

MINUTES
SPECIAL CITY COUNCIL WORKSESSION/ROUNDTABLE
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL – CONFERENCE ROOM 190
ONE CITY PLAZA, YUMA, ARIZONA
FEBRUARY 23, 2010
3:00 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson (arrived at 3:05 p.m.), McClendon, Brooks-Gurrola, Johnson and Mayor Krieger

Councilmembers Absent: none

Staffmembers Present: City Administrator, Mark Watson
Deputy City Administrator, Bob Stull
Police Chief, Jerry Geier
Police Sergeant, Gang Enforcement Supervisor, Scott Legros
Finance Director, Pat Wicks
Various Department Heads or their representative
City Clerk, Brigitta M. Kuiper

I. GRAFFITI AND VANDALISM

Geier briefed the City Council on graffiti and vandalism in the City and their related costs and enforcement issues. Gangs and graffiti go hand-in-hand; the City's gang enforcement unit has been successful in holding gang activities in check. Yuma is fortunate not to have the kind of serious gang activity that other cities of a similar size experience. The City's response to graffiti, however, needs improvement. Tonight's presentation will give the City Council an update on local gang and graffiti activity and an opportunity to discuss possible alternatives and programs to enhance enforcement. The City received approximately 1,600 graffiti hotline calls for service in 2009, making a more coordinated and proactive approach necessary.

Goals for Graffiti Abatement

- Reduce the overall amount of graffiti and ensure the immediate removal of graffiti
- Justify additional removal and abatement resources being allocated to the Yuma Police Department (YPD) and Parks and Recreation Department
- Recommend aggressive graffiti enforcement, improved tracking of statistics and successful prosecution of offenders
- Suggest strategies to raise community awareness of issue – citywide strategy including media
- Allow Council direction

Legros, Gang Enforcement Unit, noted that that tagger graffiti is non-gang related and generally is not done in the furtherance of a crime. Tagging has dramatically increased, while gang-related graffiti remains steady.

Geier: YPD has developed the concept of a comprehensive Citywide graffiti initiative, to include the following activities:

- Enhanced enforcement of current City ordinances, creation of a Citywide database and use of surveillance equipment
- Greater community education and awareness through an Anti-Graffiti Summit or Block Party, public service announcements, informational brochures, residential abatement kits, simplified graffiti hotline number and website, school slogan and logo contests
- Use of business and community partnerships, such as, Crime Free Multi-Housing Units, the Crime Free Business Program (a Neighborhood Watch program for businesses), the 78-Crime initiative, an Adopt-A-Spot program and Neighborhood Watch.
- Current relevant legislation:
 - Prohibition of graffiti: Yuma City Code Sections 112-15 through 112-21
 - Curfew for minors under 18 years of age: Yuma City Code Section 110-01
 - General penalty for offenses: Yuma City Code Section 10-99
 - Laws have been underutilized; more stringent enforcement is at the City Council's discretion.

Staff-suggested course of action

- Develop proactive enforcement campaign:
 - Using undercover operations and bait vehicles
 - Direct YPD officers to give highest priority to graffiti and gang related violations
 - Declare zero tolerance on graffiti, gang crimes and City ordinance violations
- Establish better communication with Parks and Recreation Department to ensure all graffiti cases are reported to YPD
- Simplify graffiti hotline number to three digits and apply decal with number on all City vehicles
- Create online ability for users to report and view graffiti
- Network with City and County courts and prosecutors to streamline information and prosecution with tougher sanctions for offenders.
- Kickoff public awareness campaign with series of media activities.

Discussion points:

- Enforcement has been lax due to a lack of personnel and a drop in the issue's priority.
- Parents should be made responsible for their children's graffiti.
 - Current State and City regulations make parents responsible.
 - The City currently has three lawsuits against the parents of taggers.
 - The City Prosecutor processes all City cases of graffiti coming to him; however, many of these individuals are juveniles, meaning their cases are adjudicated by the Yuma County Juvenile Court. The City generally requests restitution; the juvenile court generally awards the City half of its requested restitution amount.
 - The Juvenile Court requires parental involvement, as much as possible.
 - Another issue is that of priority. The City Attorney's Office must choose between spending their limited personnel's time on major lawsuits or graffiti cases that constitute small sums.
 - No one part of the equation – YPD officers, the City Prosecutor, Yuma County Juvenile Court judges, and the City Attorney's Office – can address the issue alone; all must be on the same page and working together to effect success.
- It is imperative to reach children while they are young; therefore, it is important to work in and with the schools.

- Taggers are only painting graffiti to express themselves. If they could be given a place to tag legitimately, it would reduce tagging in non-legitimate areas.
- Lax enforcement produces lax compliance; without consequences, offenders have no incentive to curb themselves.
- Surveillance cameras could give real-time information to officers so they could catch the perpetrators more easily.
 - Surveillance images are sometimes too poor to identify individuals.
 - Catching the perpetrator on the spot is difficult, even with cameras.
 - Using video technology requires buying equipment; grants could offset some costs.
 - State-of-the-art technology exists that streams the video into the police officer's vehicle.
 - The cost of surveillance technology needs to be figured into the costs for new facility at its inception.
- Some sort of a community court could be established to handle taggers only, taking the issue out of the formal court process.
 - Usually, the use of such a court is done as a referral from by the official court, subsequent to a court hearing, so it wouldn't eliminate the court system's involvement.
- A critical piece of the problem is lack of manpower.
- Graffiti is a crime and should be treated as one, not allowed in one place and forbidden in others. Setting punitive fines would raise money to enforce the laws and discourage offenses. If graffiti, which is not widespread at this point, is not addressed now, it will inevitably increase. The City's policy should be zero tolerance.
 - The policy has always been zero tolerance; many graffiti cases remain unsolved because the perpetrator wasn't caught. All perpetrators who are apprehended are cited and/or arrested.
- Graffiti abatement should include returning the property to its pre-graffiti condition, not just a paint patch, which is as unsightly as the graffiti.
- The City Council must be willing to allocate funding to the effort.
- The issue needs the community's active involvement.
 - In one instance, park facilities were stolen using heavy equipment over an entire weekend, yet no one in the surrounding homes noticed.
 - Public complacency needs to be dispelled.

II. CITY OF YUMA 2009-10 AND 2010-11 BUDGETS

Watson updated the City Council on the current state of the budget:

- Ongoing Budget Activities
 - Upcoming budget has been under constant review since November, 2009, being adjusted monthly in response to tax revenues.
 - Department budget requests were submitted to Finance Department February 16, 2010.
 - City employees were required to take three furlough days between December 1, 2009 and February 28, 2010
 - Refinancing of eligible debt has been initiated.
 - Review of internal equipment needs is ongoing with replacements being made where necessary
- Anticipated Impacts
 - Actions taken by the Arizona State Legislature

- Decision by State regarding the Yuma Fire Department's (YFD) submission for a Certificate of Necessity in connection with ambulance services
- Potential continuing downturn of sales tax revenues
- Possible outsourcing of golf operations
- Continuing review of employee pay for "extracurricular" abilities or activities
- Possible Revenues/Revenue Enhancements
 - Minor changes in rentals and fee structures
 - Recovery of costs associated with community events
 - Initiate residential sanitation pick up fee
- Outside Agency Agreements
 - Currently, the City provides \$1.6 million in funding to outside agencies
 - \$700,000 comes from the 2% Hospitality Tax
 - \$900,000 is from the General Fund, with \$700,000 going to only two entities: Greater Yuma Economic Development Corporation (GYEDC) and the Humane Society of Yuma
- Economic Development
 - Pro: Arguments for continued support of economic development in Yuma
 - It is important for Yuma to have a visible presence in the state.
 - The City's support constitutes regional support by its leading city.
 - The City of Yuma already has major infrastructure in place that is needed by industry.
 - GYEDC involves both private sector and public agencies.
 - Con: Arguments for reducing economic development support
 - Yuma faces extreme competition from low costs in other areas around the state
 - GYEDC funding should be supported primarily with private dollars, not tax dollars
 - Results can differ from year to year, depending on the sector recruited
- Humane Society
 - Pro - continued support:
 - By using the Humane Society for animal control, the City has a competent provider, making it unnecessary for the City to maintain operations and facilities
 - Greater service levels are only available with additional City funding.
 - Con - reduced funding:
 - Reducing the funding will decrease current service levels.
 - Citizen expectations do not match service levels.
 - The goal of animal control may differ with the humane treatment of animals.
- Possible Sanitation Fee
 - Current residential refuse pick up service involves each route truck emptying 1,400 containers daily, approximately 400 pickups beyond the norm.
 - The division is minimally staff; however, there is new equipment.
 - Prior City Council discussions have indicated this service should be a self-supporting enterprise fund.
 - Currently, the City charges a fee of \$5.25, which pays for the recycling centers, hazardous waste collection, neighborhood cleanup and required environmental services.
 - Recovering the cost for this service would increase customer bills by approximately \$4.00 to \$5.00 monthly.

Discussion points:

- "Extracurricular" pay is standby pay, bi-lingual pay or a car allowance, and such.
- Local businesses complain that they could have provided the City with its needs for less.
 - Use of City purchasing cards has been dramatically cut back.
 - The City Council recently approved an ordinance giving the City Administrator the authority to buy locally over the lowest bidder for items costing between \$25,000 and \$50,000.
- The City is now operating at its 2004 level of funding. A number of positions have been completely eliminated, travel greatly restricted and reimbursement for the use of private vehicles stopped. There is no longer any extra in the budgets for operations and maintenance; the City must turn to personnel costs.
- Local preference is a double-edged sword. On one hand, it keeps dollars local; on the other hand, it usually costs the City more, making it more costly to taxpayers.
- If the City chooses to outsource residential refuse collection:
 - The new equipment could be auctioned or the new vendor may offer to purchase it.
 - Equipment loses value immediately after it is sold.
 - Employees in the division would be given an opportunity to take a different City job that is open.
- Any fee the City charges for residential sanitation services must only recover costs; it cannot be a money-making activity.
 - If services are cut, the fees would have to reflect that decrease.
- There is no market for recyclables; if the City undertakes recycling, it would be important to make sure recycled materials actually end up being recycled and not just picked up and put into a landfill.
- The City has historically provided trash pick up services free of charge; the service has never paid for itself. Charging for it would almost double the current fees for trash. Charging a fee for trash pick up is nothing more than another tax – taking the money from those least able to pay it to benefit some that may find it nonessential. Before the City starts charging for an essential service, it should cut nonessential services.
 - These are not normal economic times; all service levels are at risk.
 - \$5 per month for twice weekly trash pickup is quite reasonable.
- Could the City petition the State to vary from the 2-pickups-per-week requirement for areas such as mobile home parks when residents leave for the summer?
 - That is a possibility, but it is complicated by the fact that the City would have to develop a plan for mitigating any adverse health conditions that may arise from not picking up the trash twice a week for each location affected.

Wicks explained that taking the figures to date – without making any changes – the City would draw down too much of its fund balance reserve to make payroll in the first quarter of next year's budget; the short fall amounts to approximately \$5 million. The City tries to keep a 17% fund balance, reduced from its previous 20% target, to get it through the beginning of a fiscal year when revenues are traditionally down. Therefore, the City needs to cut expenditures and/or increase revenues. 80% of the General Fund is personnel related; at some point, if further cuts are necessary, they will have to involve personnel costs. The figures at this point include the savings afforded by the three furlough days taken by employees prior to end of February 2010 and they do not reflect a reduction in any service levels. Sales taxes cannot be raised without an election; property taxes are capped by State law. The only practical way to raise revenues is to adjust fees for direct services. To make up the needed shortfall by furloughs alone, it would require each City employee to take 25 days off during the coming fiscal year, including public safety personnel. If public safety personnel are exempted, the remaining employees would have to take 44 days off, which is not a reasonable amount. As other options are added into the equation, that figure will fall.

Alternatives:

- Establish a sanitation fee
- Offer retirement incentive – pay for retiree's COBRA (Consolidated Omnibus Budget Reconciliation Act) health insurance for 18 months, contingent upon position remaining vacant.
- Eliminate bi-lingual pay and car allowances
- Reduce the per hour amount of standby pay
- Require possibly 5 furlough days next year
- Review of departmental requests is yet to occur

Discussion:

Mayor Krieger asked the City Administrator to bring to the City Council a list of non-essential activities - activities that could be eliminated or suspended for a short time, such as, closing facilities and/or eliminating programs. **Watson** mentioned the \$60,000 needed to heat certain swimming pools in the winter, recovery of costs for special events the City supports, and cutting parks programs that don't pay for themselves. Outsourcing the golf course may be a source of revenue in the first years of the contract, not to mention the savings on maintaining and mowing the grounds.

Watson drew attention to the funding for outside agencies. **Mayor Krieger** asked the other City Councilmembers to review the list of outside agencies and their respective funding and, without allowing emotions to play a part, determine reductions. Although there are signs the economy is slowly picking up, the City will need to follow a policy of austerity for another 2-3 years. **Watson:** Outside agencies need the City's decisions soon because they are starting their budget preparations as well and need to know Council's intent. The list indicates the source of the funding for each agency. Several years ago, staff reviewed the agencies receiving City funding at the time and determined to cease funding those that did not directly impact the City's mission.

Watson pointed out:

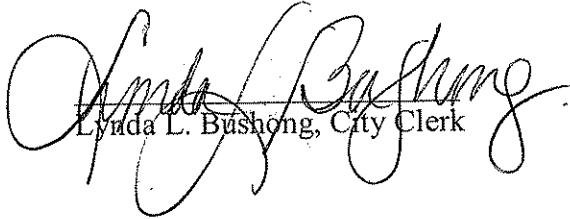
- Community Legal Services receives funding from the City that originates with the federal government through the Community Development Block Grant program.
- Local Transportation Assistance Funding (LTAF), which in times past supported cultural activities, has been swept into the State budget by the Legislature.
- Some of the work done previously by Yuma Fine Arts personnel at the Yuma Theater could be absorbed by City employees.
- Amberly's Place directly assists YPD; the City of San Luis and Yuma County are contributing to its support.

Watson also drew attention to information listing those events the City specifically supports, as well as those that occur within the community that are not City-supported. The City may want to recover all or a portion of the costs of those events it supports.

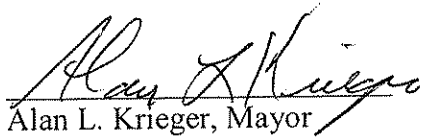
III. UPDATES – none

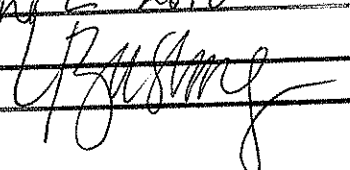
IV. EXECUTIVE SESSION/ADJOURNMENT

Motion (Beeson/Mendoza): To adjourn to Executive Session. Voice vote: **adopted** 6-1; Johnson voting Nay. The meeting adjourned at 5:06 p.m.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
<u>June 2, 2010</u>
City Clerk: <u></u>